



Signed and Filed: August 24, 2021

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:) Bankruptcy Case
PG&E CORPORATION,) No. 19-30088-DM
) Chapter 11
- and -) Jointly Administered
PACIFIC GAS AND ELECTRIC COMPANY,)
Reorganized Debtors.)
☐ Affects PG&E Corporation)
☐ Affects Pacific Gas and)
Electric Company)
☒ Affects both Debtors)
* All papers shall be filed in)
the Lead Case, No. 19-30088 (DM).)

ORDER COMPELLING PRICEWATERHOUSECOOPERS LLP'S COMPLIANCE
WITH RULE 2004 SUBPOENA IN RELATION TO
THE GENERAL RATE CASE DOCUMENTS

The Court has considered the letter briefs dated August 19, 2021, from counsel for the Fire Victim Trust and PricewaterhouseCoopers LLP ("PwC") (Dkt. Nos. 11109 and 11133). It has also reviewed the definition of Assigned Rights and Causes of Action (Confirmed Plan ¶ 1.8) and the broad reach of Fed. R. Bankr. P. 2004(b) ("... the acts, conduct, or

1 property, or to the liabilities and financial condition of the
2 debtor, or to any matter which may affect the administration of
3 the debtor's estate")

4 The court disagrees with PwC's counsel's contention that
5 the Trustee should not be allowed to obtain information unless
6 relating in any way to "causation" of the wildfires. If, at the
7 end of the day, PwC has no culpability or exposure because of
8 the lack of causation, it might have no liability. But until
9 then, the Court is not persuaded by the "you won't find anything
10 so I don't have to give it to you" position being asserted.

11 It is worth noting that PwC's counsel letter stresses that
12 "almost" all of PwC's work was conducted on equipment owned by
13 Debtors. Again, that the management consulting work "consisted
14 primarily of meeting with PG&E personnel, etc." Later he states
15 that the work product "consists primarily" of PG&E documents.

16 These excerpts, even taken in context, invite further
17 examination by the Trustee. If there is nothing gleaned of
18 value, PwC has nothing to worry about other than the
19 inconvenience and cost of having to comply with this discovery.

20 Another safeguard the Court expects counsel on both sides
21 to keep in mind is as set forth in footnote 4 to the Trustee's
22 counsel's August 19 letter. The operative deadlines set forth
23 below should commence after PwC has produced the list of
24 contracts to be provided and thereafter counsel have met and
25 conferred as to which of those contracts relate to the General
26 Rate Case and must be produced in accordance with this order.

27 1. Within twenty-one (21) days of the meet and confer
28 following the production of the list referred to in Dkt. No.

1 11109 at footnote 4, unless otherwise agreed by the Trustee and
2 to the extent such materials have not already been produced by
3 PwC, PwC shall produce to the Trustee all documents and
4 information described at No. 5 of the Trustee's status report of
5 August 2, 2021: PwC's deliverables relating to the General Rate
6 Case, meaning PwC's work product generated in connection with
7 that engagement, including advice, recommendations, analysis,
8 and/or reports to PG&E, during the time period 2013 through
9 March 17, 2020.

10 2. In the event that PwC withholds any of the above-
11 described documents based on a claim of attorney-client
12 privilege, work-product protection, or any other privilege,
13 whether such privilege is asserted by PG&E or PwC, PwC shall
14 provide a privilege log to the Trustee within seven (7) days
15 after the time set forth in paragraph 1 above, unless otherwise
16 agreed by the Trustee, identifying, as demanded by the subpoena:
17 (a) the type, title and subject matter of the Document; (b) the
18 place, date, and manner of preparation of the Document; (c) all
19 authors, addressees, and recipients of the Document, including
20 information about such persons to assess the privilege asserted;
21 and (d) the legal privilege(s) and the factual basis for the
22 claim.

23 3. This Order is without prejudice to the Trustee's right
24 to seek additional examinations or documents pursuant to
25 Bankruptcy Rule 2004 or any other applicable law.

26 ****END OF ORDER****
27
28

COURT SERVICE LIST

ECF Recipients